

**REMARKS**

Claims 1 – 14 are pending in the application. Claim 6 is found to contain allowable subject matter.

The Office Action objects to claims 1 – 14 for a number of informalities. In the present amendment, claims 2 and 12 are cancelled without prejudice and claims 1, 3 – 11, 13 and 14 are amended to obviate these objections. Withdrawal of the objection of claims 1 – 14 is respectfully requested.

Applicants have added new claims 15 and 16, and have written claim 3 as an independent claim. No new matter is added.

**35 U.S.C. 112**

The Office action rejects claims 6, 8 – 11 and 13 as being indefinite. In the present response, claims 6, 8 – 11 and 13 are amended to obviate this rejection. Withdrawal of the rejection of claims 6, 8 – 11 and 13 under 35 U.S.C. 112 is respectfully requested.

**35 U.S.C. 102**

The Office action rejects claims 1, 2, 5, 8, 9 and 11 – 14 under 35 U.S.C. 102(b) over Ueda et al. (U.S. Patent 6,289,102, hereinafter Ueda).

Applicants submit that for at least the following reasons, claims 1, 5, 8, 9, 11, 13 and 14 are patentable over Ueda.

For example, claim 1 requires:

*“wherein the first area comprises a storage medium of one physical kind and the second area comprises a storage medium of another physical kind.”*

The Office action, pages 5, alleges that Ueda teaches the above claimed feature. Applicants respectfully disagree. Ueda, Fig. 1, discloses that an information recording area that is divided into a lead-in area and a data recording area. Ueda, column 7, lines 25 – 26, clearly indicates that the lead-in area and the data recording area are recorded on one physical medium. Applicants submit that nothing in Ueda teaches or suggests that there are two different media for the first and second areas. Although the Office Action argues that these two areas are classified as two different categories of storage

areas, it does not follow that there are necessarily different physical kinds of media, because Ueda suggests that the different data areas on the same one physical medium are simply given different labels. Therefore, Ueda does not disclose the claimed feature: wherein the first area comprises a storage medium of one physical kind and the second area comprises a storage medium of another physical kind.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Ueda. Claims 5, 8, 9, 11, 13 and 14 are also patentable because they at least depend from claim 1, with each claim containing further distinguishing features. Rejection of claims 2 and 12 is moot because they are cancelled. Withdrawal of the rejection of claims 1, 2, 5, 8, 9 and 11 – 14 under 35 U.S.C. 102(b) is respectfully requested.

Claims 15 and 16 are patentable for at least the reason that they depend from claim 1, with each claim containing further distinguishing features.

**35 U.S.C. 103**

Under 35 U.S.C. 103(a) the Office Action rejects claims 3, 4, 7 and 10 over Ueda in view of Kulinets (U.S. Patent 6,005,940).

Applicants submit that for at least the following reasons, claims 3, 4, 7 and 10 are patentable over Ueda and Kulinets, either singly or in combination.

For example, claim 3 requires:

*“the second area comprises a chip for providing the store of the second area.”*

In the Office Action, page 9, it is conceded by the Office that Ueda does not teach the second area comprises a chip for providing the store of the second area. Because of this defect in Ueda, the Office cites Kulinets, arguing that an obvious combination of Ueda and Kulinets would produce the above claimed feature. Applicants respectfully disagree that it is obvious to combine the teachings of Ueda and Kulinets.

Applicants submit incorporating the teaching of Kulinets into Ueda would render many features of the system of Ueda unsatisfactory and would lead one skilled in the art to not consider such a combination of references. This is because, Ueda, column 39, lines 23 – 34, discloses that the information recording medium of the present invention includes a lead-in area and a data recording area; and that by recording the key

information in the lead-in area, security is enhanced because the drive device of the information recording medium can directly access the lead-in area, while devices other than the drive device cannot directly access the lead-in area; and furthermore that, by recording the key information in the lead-in area, it is unnecessary to provide readout means dedicated to reading the key information. Applicants submit that if the key information is recorded in the transponder of Kulinets, then the above discussed advantages of the system of Ueda would vanish. Therefore, it is not obvious for a person ordinarily skilled in the art to combine the teachings of Ueda and Kulinets to produce the claimed invention.

In view of at least the foregoing, Applicants submit that claim 3 is patentable over Ueda and Kulinets, either singly or in combination. Applicants further submit that Kulinets fails to bridge the above discussed feature gap between Ueda and claim 1. Therefore, claims 4, 7 and 10 are patentable because at least they respectively depend from claims 1 and 3, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 3, 4, 7 and 10 under 35 U.S.C. 103(a) is respectfully requested.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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